

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
Javier Rueda Jr.)	Bankruptcy No. 09 B 00839
)	Chapter 13
)	
Debtor)	Judge Bruce W. Black (Joliet)
)	

To: See attached list

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **March 8, 2013**, at the hour of 10:00 A.M., or as soon thereafter as counsel may be heard, I shall appear before the honorable Bruce W. Black in the United States Bankruptcy Court, Joliet City Hall, 150 W. Jefferson Street, 2nd Floor, Joliet, Illinois, or any other judge sitting in his place and stead, and shall then and there present the attached **Motion to Reopen Case**, a copy of which is hereby served upon you. You may appear if you so choose.

David P. Lloyd, Ltd.
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LaGrange IL 60525
708-937-1264
Fax: 708-937-1265

CERTIFICATE OF SERVICE

I, David P. Lloyd, an attorney, certify that I caused a copy of the foregoing Notice and Motion to be served on the parties listed on the attached service list by electronic notice where indicated, or by first class mail by depositing with the United States Postal Service, LaGrange, Illinois, postage prepaid, prior to 5:00 P.M., this 28th day of February, 2013.

/s/ David P. Lloyd

David P. Lloyd

Notice List
Javier Rueda Jr.
09 B 00839

U.S. Trustee
USTPRegion11.ES.ECF@usdoj.gov

Glenn B. Stearns
mcguckin_m@lisle13.com

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DEBTOR'S MOTION TO REOPEN CASE

NOW COMES the Debtor, Javier Rueda Jr., by and through his attorney, David P. Lloyd, Ltd., and moves this honorable Court to reopen this case pursuant to Section 350(b) of the Bankruptcy Code, and in support thereof states as follows:

1. The Debtor commenced this case by filing a voluntary Chapter 13 petition on January 13, 2009.
2. On December 18, 2007, the Debtor converted his Chapter 13 case to a Chapter 7 case.
3. At the time of the filing of this case, the Debtor was a plaintiff in a law suit pending in the United States District Court for the Northern District of Illinois, No. 08 CV 6621, entitled Burruss et al. v. Dart et al. The suit was filed by a number of correctional offices with the Cook County Sheriff's Office against the Cook County Sheriff and other officials with the Cook County Sheriff's office, alleging retaliation based on the plaintiffs' political affiliation.
4. At the time of the filing of this bankruptcy case, the Debtor anticipated that the relief he would likely obtain in the suit was reinstatement with the Cook County Sheriff and did not expect to obtain any financial recovery.
5. Prior to the filing of this bankruptcy case, the Debtor consulted with bankruptcy counsel regarding his schedules, but did not realize that the suit against the Cook County Sheriff must be

disclosed in his schedules, and therefore the suit was not scheduled.

6. The Debtor filed a 100% plan on February 11, 2009. Therefore, the absence of the claim on the Debtor's schedules did not affect the amount to be paid to creditors in the plan.

7. On April 8, 2009, the Court confirmed the Debtor's 100% plan.

8. On September 11, 2009, the Court dismissed the Debtor's Chapter 13 case for non-payment to the Trustee. The case was closed on November 23, 2009.

9. The Debtor needs this case reopened so that he can file an amended Schedule B, listing the law suit as an asset, and amended Schedule C, claiming the asset exempt.

10. Although the Debtor now believes that some financial recovery is possible in the law suit against the Cook County Sheriff, the Debtor believes that the majority of any recovery is either not property of the estate, because it would represent post-petition earnings, or exempt as wages under Illinois law.

WHEREFORE the Debtor, Javier Rueda Jr., prays that this case be reopened for the purpose of amending schedules B and C, and for such other and further relief as this honorable Court may deem meet.

Respectfully submitted,
Javier Rueda Jr.

By: /s/ David P. Lloyd
His attorney

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